

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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ERNEST SMITH,

Plaintiff,

v.

Case No. 06-C-999

ABBAS ANGHA, et al.

Defendants.

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**ORDER**

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The pro se plaintiff has filed a motion requesting clarification of his legal rights and the appointment of counsel to assist him in his appeal. The plaintiff's complaint was dismissed on September 27, 2006, and this court construed the plaintiff's subsequent request to proceed *in forma pauperis* as a request to proceed on appeal without payment of the filing fee. That request, so construed, was granted.

It is not the role of a district court to provide legal advice to plaintiffs, including plaintiffs who appear *pro se*. However, to the extent the plaintiff simply seeks clarification of whether he may proceed with his case in this court, the answer is no. The complaint was dismissed for failure to state a claim, and this court's October 30 order allowing the plaintiff to proceed *in forma pauperis* was merely meant to allow the plaintiff – should he so choose – to appeal the dismissal without having to pay the appellate filing fee.

Further, it is doubtful that this court has jurisdiction to entertain a request for appointment of counsel on appeal; such a request is better directed at the court of appeals, because at this stage it is that court's assessment of the merits of the appeal that controls. In any event, having concluded

the complaint lacks merit, it would make little sense for this court to appoint counsel. I concluded the complaint failed on its merits, not because the plaintiff's presentation was lacking; accordingly, I conclude that counsel's assistance would not materially advance the plaintiff's case.

IT IS THEREFORE ORDERED that the plaintiff's motion for clarification is DENIED and the motion for appointment of counsel is also DENIED.

Dated this 8th day of November, 2006.

s/ William C. Griesbach  
William C. Griesbach  
United States District Judge